

RECORDED BY  
*State California*  
SEP 29 1964 at 1:40 P. M.  
in VOL. 193 PAGE 508  
OFFICIAL RECORDS OF  
LASSEN COUNTY, CALIFORNIA  
JIM JENSEN RECORDER  
BY *[Signature]* DEPUTY  
SEP 29 1964 1190

Endorsed  
Filed JAN 29 1957  
NADENE WEMPLE Clerk  
By Deputy

INDEXED  
COMPARED

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LASSEN

J. J. FLEMING, ORA LEE FLEMING,  
ROBERT FLEMING and MARY W. L.  
FLEMING,  
Plaintiffs,  
vs.  
J. R. BENNETT, et. al.,  
Defendants.

No. 4573

SUPPLEMENTARY JUDGMENT WITH RELATION TO NEUHAUS-  
JACOBS DITCH, ITS MAINTENANCE AND MANAGEMENT, AND  
WATER RIGHTS TO THE WATERS DIVERTED THEREIN

Upon reading and filing a written stipulation relating only  
to the Neuhaus-Jacobs ditch, its maintenance and management, and  
the water rights diverted therein, signed and acknowledged by  
Mary S. Murrer, Leo Murrer, Alfred F. Murrer, and J. R. Barron  
and Rita Barron, his wife, and in accordance with the terms and  
conditions of the said written stipulation,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as a supplement  
to the said Judgment entered in the above entitled action on  
April the 18th, 1940, and affecting said ditch and said parties  
only, as follows:

1. Mary S. Murrer, the owner of the Murrer Property, shall  
be responsible for the annual cleaning and repair of the Neuhaus-

1 Jacobs ditch from and including its diversion, designated as  
2 Diversion 118, to the new Parshal flume which is to be constructed  
3 without expense to Mary S. Murrer at or near the boundary line  
4 between the Barron property on the east and the Murrer property  
5 on the west, and in the said Neuhaus-Jacobs ditch for the purpose  
6 of measuring the quantity of water flowing onto the Barron pro-  
7 perty, provided that repair is to include all work necessary to  
8 keep said ditch in good working order, but not new construction  
9 on the diversion dam where said ditch takes out of Willow Creek,  
10 and shall not include any repair or replacement of the present  
11 metal flume where said ditch crosses the natural channel of Willow  
12 Creek. The Parshal flume referred to in this paragraph shall be  
13 constructed by and at the expense of J. R. Barron and Rita Barron,  
14 present owners of the Barron property, and within six months  
15 after the date of this Stipulation.

16 2. J. R. Barron and Rita Barron shall pay to Mary S. Murrer  
17 One Hundred Twenty-Five Dollars (\$125.00) per year for annual  
18 maintenance, which payment is to be made on or before March 1st  
19 of each year, commencing March the 1st, 1957.

20 3. Mary S. Murrer or her successor in interest or any lessee  
21 of her property shall deliver measured through the new Parshal  
22 flume referred to in Paragraph 1, 2.1 cubic feet per second of  
23 water out of the natural flow of Willow Creek continuously during  
24 the irrigation season of each year, commencing March 1st and end-  
25 ing October 31st and at the west boundary line where said ditch  
26 enters the Barron property. The flow of 2.1 cubic feet of water  
27 to the Barron property shall be a continuous flow during each  
28 irrigation season and none of the parties to this stipulation  
29 will in any way interfere with said continuous flow of water  
30 except at the times of cleaning said ditch as in this stipulation  
31 provided.

32 4. Mary S. Murrer, or the operator of her property, shall

1 notify the water master 48 hours in advance when the Neuhaus-  
2 Jacobs ditch is to be shut off for the purpose of cleaning, and  
3 the said Mary S. Murrer or the operator of her property shall be  
4 allowed three periods of three days each each year in which to  
5 clean said ditch, and water not delivered to the Barron property  
6 during cleaning periods shall be delivered to the Barron property  
7 on a continuous basis sufficient to make up any shortage resulting  
8 from the water being taken out of the ditch for cleaning, and  
9 within a seven day period immediately following ditch cleaning,  
10 it being the intention of the parties that said ditch must be  
11 cleaned periodically, and that the Barron property is entitled to  
12 a continuous flow of 2.1 cubic feet per second during said irri-  
13 gation season so that when the ditch is dried out for cleaning  
14 an additional quantity of water shall be furnished to compensate  
15 for the loss during the cleaning period.

16 5. The water master shall install and maintain a water  
17 stage recorder, and shall periodically keep the parties, that is,  
18 Mary S. Murrer or her successor in interest, and J. R. Barron  
19 and Rita Barron or their successors in interest, advised of the  
20 flow in the Neuhaus-Jacobs ditch, and any deficiency shall be  
21 immediately called to the attention of Mary S. Murrer or her  
22 successor interest.

23 6. Any proposed repairs of flume or replacement of the  
24 flume or any parts thereof and any proposed repairs or recon-  
25 struction of the diversion dam shall be called to the attention  
26 of the water master, who shall arbitrate and decide the need  
27 and extent of repairs or replacement, and the proportionate  
28 share of the cost for each property owner in the event the pro-  
29 perty owners are unable to agree, which proportionate share  
30 shall be on a 50/50 basis.

31 7. Any violation of the foregoing provisions shall promptly  
32 be reported to the Court by the Department of Water Resources.

Done this 24<sup>th</sup> day of January, 1957.

A. K. M. Ali  
Judge of the Superior Court.

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